THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION No.6964 OF 2006

24th April, 2006.

Between:

M/s Golden Enterprises,

a propriety concern,

Kamisetty Street, Yanam,

represented by its Manager –

Ch. Madhu. .. Petitioner.

And

The Commissioner of Prohibition &

Excise, Government of Andhra Pradesh,

Opp: Gandhi Bhavan, Nampally,

Hyderabad and another. .. Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION No.6964 OF 2006

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ORAL ORDER:

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This writ petition is filed seeking a declaration that the order dated 25.03.2006 passed by the first respondent to the extent of rejecting Through Transport Permits sought by the petitioner for transportation of 3900 cases of Indian Made Foreign Liquor from Pondicherry to Yanam through Andhra Pradesh, as arbitrary and illegal.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel for the petitioner that an identical issue has been considered by this

Court in W.P.No.435 of 2006 and that while taking into consideration the new Rules framed under G.O.Rt.No.996, Excise Department, dated 25.10.2005, known as Andhra Pradesh Excise (Import, Export, Transport Indian Liquor and Foreign Liquor) Permission Rules, 2005 (for short "the Rules"), the said writ petition was disposed of with a direction to the first respondent-Commissioner of Prohibition and Excise, to consider the applications filed by the petitioner and pass fresh orders in accordance with Rule 16(5) of the Rules. The said fact has not been disputed by the learned Government Pleader for Prohibition and Excise appearing for the respondents.

Having regard to the facts and circumstances of the case, following the decision dated 6.01.2006 in W.P.No.435 of 2006, this writ petition is disposed of setting aside the impugned order dated 25.03.2006 rejecting the Through Transport Permit to the extent of transportation of 3900 cases of Indian Made Foreign Liquor and directing the first respondent- Commissioner of Prohibition and Excise to consider the applications of the petitioner and pass appropriate orders in accordance with Rule 16(5) of the Rules, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

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(G. ROHINI, J.)

20th April, 2006.

Kgr

Issue CC by tomorrow.